



**Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603**

Page 1 of 3

Minutes of the Uxbridge Zoning Board of Appeals Meeting held on Wednesday, July 5, 2006 at 7:00 P.M. in the Board of Selectmen's Meeting Rm., Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA 01569.

Member(s) Present: Chairman Ernie Esposito, Carol Masiello and John Higgins. The meeting being duly called, properly posted and a quorum being present, Chairman Esposito convened the meeting at 7:00 P.M.

OLD / NEW BUSINESS:

Resignation of Francis J. Susskey, Sr. & Appointment of John Higgins as a Permanent Member: Chairman Esposito took a moment to recognize the many years of devoted service Francis J. Susskey, Sr. gave to the Town of Uxbridge by serving on the ZBA and wished him a long and healthy retirement. Chairman Esposito then welcomed John Higgins to his new Appointment as Permanent ZBA Member.

PUBLIC HEARINGS (NEW):

FY06-45: The applicants / owners of record, Marianne and Alfredo Valle, are seeking, in the Residence B Zone, an Area Variance of 21,691 sq. ft. from the one (1) acre area requirement and a Frontage Variance of 35 ft. from the 185 ft. frontage requirement, on a pre-existing, non-confirming lot located at 59 Witek St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 13, Parcel 3222, Worcester County District Registry of Deeds' Bk. 9355, Pg. 307, in order to construct a 16 ft. x 20 ft. deck to existing home. The applicants were present. No abutters were present. Carol Masiello made a motion, seconded by John Higgins, to grant the Variances as requested in order to construct a 16 ft. x 20 ft. deck to the existing home. The vote was 3-0-0 in favor of the motion.

FY06-46: The applicant / owner of record, Fiona A. Lyons, is seeking, in the Residence C Zone, a Frontage Variance of 61.5 ft. from the 200 ft. frontage requirement, on a pre-existing, non-conforming lot located at 49 Richardson St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 29, Parcel 0473, Worcester County District Registry of Deeds' Bk. 18348, Pg. 069, in order to construct a partial 2nd story 27 ft. x 25.3 ft. (total 624 sq. ft.); remodel 1st floor; and add a 5 ft. x 30 ft. farmer's porch. The applicant was present. No abutters were present. John Higgins made a motion, seconded by Carol Masiello, to grant the Variance as requested in order to construct a partial 2nd story 27 ft. x 25.3 ft. (total 624 sq. ft.); remodel the 1st floor; and add a 5 ft. x 30 ft. farmer's porch. The vote was 3-0-0 in favor of the motion.

FY06-47: The applicant / owner of record, Roger A. Fontaine, is seeking, in the Residence C Zone, a Frontage Variance of 29.73 ft. from the 200 ft. frontage requirement, on a pre-existing, non-conforming lot located at 211 S. Main St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 30, Parcel 0299, Worcester County District Registry of Deeds' Bk. 23663, Pg. 249, in order to construct a 16 ft. x 18 ft. master bedroom addition. The applicant was present. The applicant was present. No abutters were present. Carol Masiello made a motion, seconded by John Higgins, to grant the Variance as requested in order to construct a 16 ft. x 18 ft. master bedroom addition. The vote was 3-0-0 in favor of the motion.

FY06-48: The applicant, Harriet Southerland, and the owner of the building / property located at 237 River Rd., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 46, Parcel 3318, Worcester County District Registry of Deeds Bk. 19635, Pg. 263, Howard Frederickson, Jr., are seeking a Special Permit to transfer a Class II License from Mr. Troy R. Lebeau to Harriet Southerland for a business named A to Z Auto Body Sales & Services. The applicants was present. No abutters were present. The applicant indicated that she wished to maintain the same hours as the prior business owner, i.e., Monday through Friday from 8:00 A.M. to 5:00 P.M. and Saturday from 9:00 A.M. to 12:00 P.M. and that she wished to be granted the Special Permit with the same conditions with which Mr. Lebeau's Special Permit was granted. The Board asked the Administrative Assistant to note the prior conditions on the new decision and attach a copy of the prior decision to the new decision. John Higgins made a motion, seconded by Carol Masiello, to grant the Special Permit as requested with the same conditions as the prior Special Permit and with hours of operation limited to Monday through Friday from 8:00 A.M. to 5:00 P.M. and Saturday from 9:00 A.M. to 12:00 P.M. The vote was 3-0-0 in favor of the motion.

PUBLIC HEARING(S) CONTINUED:

FY06-42: The applicant, S&B Land Development is seeking, on behalf of the owner of record, UniBank for Savings, in the Business Zone, a Special Permit per Uxbridge Zoning Bylaw Section VII (Permitted Uses in Various Zones), Subsection D (Business), SSs 7b (Gasoline and Oil Filling Station) for a Fuel Service Station, on a lot located at Lots 2&3 Corbett Rd., Uxbridge, MA 01569, Assessor's Map 23, Parcel 4376, Registry of Deeds' Bk. 14914, Pg. 117, in order to construct and operate a 56 ft. x 75 ft. fuel service station with a retail store and a drive-through donut shop. The Public Hearing on this Case was opened on June 7, 2006 at which time testimony was taken from the applicant. Barry Desruisseaux, representing S&B Land Development, was present and told the Board that he had provided the Board members with the traffic study info they sought at the last meeting. The Board members asked a few questions regarding whether or not the traffic study took into account the proposed re-zoning of parcels across the street from this site (no) and whether or not the quantity of pumps was firm at the number eight. Carol Masiello expressed concern over the fact that they were being asked to grant a Special Permit with no more firm plan than the concept plan. Ms. Masiello indicated that she wanted more information and wants to see engineered plans, the kind of plans the Planning Board will see in their Special Permit process. Chairman Esposito indicated that he felt all of the Board members agreed with the concept but that they all might want to see more information. Mr. Desruisseaux told the Board that he could not justify providing more detailed plans until a Special Permit for a Fuel Service Station was granted and, further, that the Planning Board and the State would determine the quantity of tanks. Carol Masiello indicated that she would like to see some opinion in writing from the Fire Chief. Barry went on to say that he would like to run a

24 hour operation with no diesel pumps and told the Board that he definitely did not want this to become a truck stop. Ms. Masiello explained that she was still having a problem with this being a concept only plan. John Higgins indicated that he could see both sides of the argument: being uncomfortable on the part of the Board with granting something based solely on a concept and being unwilling, on the part of the applicant, to spend lots of dollars on an Engineered Plan for something that may or may not be granted. The Board developed four (4) conditions (see same as part of the Special Permit). John Higgins made a motion, seconded by Carol Masiello, to grant in the Business Zone, a Special Permit per Uxbridge Zoning By-law Section VII (Permitted Uses in Various Zones), Subsection D (Business), SSs 7b (Gasoline and Oil Filling Station) with four conditions (as shown below) in order to construct and operate a 56 ft. x 75 ft. fuel service station with a retail store and a drive-through donut shop, located at Lots 2&3 Corbett Rd., Uxbridge, MA 01569.

Conditions:

- 1.) The hours of operation shall be no greater than 5:00 A.M. to 12:00 A.M. (midnight), seven days a week.
- 2.) No automotive repair work shall be performed on the site.
- 3.) There shall not be any diesel truck fueling island on the site.
- 4.) The Planning Board shall determine an appropriate buffer zone through their Special Permit process (for Trip Generation and Drive-through).

The vote was 3-0-0 in favor of the motion.

CONTINUED / NEW / OTHER BUSINESS

- **Vote to Accept and Endorse 04/05/06 ZBA Meeting Minutes:** Carol Masiello made a motion, seconded by John Higgins, to accept as written and endorse the 04/05/06 ZBA Meeting Minutes. The vote was 3-0-0 in favor of the motion.
- **Vote to Accept and Endorse 06/07/06 ZBA Meeting Minutes** Carol Masiello made a motion, seconded by John Higgins, to accept as written and endorse the 06/07/06 ZBA Meeting Minutes. The vote was 3-0-0 in favor of the motion.
- **Review and Sign Invoices, if any**
- **Review Mail**

Adjournment: John Higgins made a motion, seconded by Carol Masiello, to adjourn. The vote was 3-0-0 in favor of the motion. The meeting adjourned at 7:50 P.M.

Approved by the Town of Uxbridge Zoning Board of Appeals:

Ernie Esposito, Chairman

Carol Masiello, Member

John Higgins, Member